

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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**FOR IMMEDIATE RELEASE
September 4, 2012**

**CONTACT: Carolyn Lisa Miller
(212) 442-1419**

PRINCIPAL FINED \$3,500 FOR RECOMMENDING HER SISTER FOR A POSITION WITH A FIRM DOING BUSINESS WITH HER SCHOOL AND PAYING A SUBORDINATE TO COOK FOR A PARTY

A Principal for the New York City Department of Education (“DOE”) has paid the New York City Conflicts of Interest Board (“Board”) a \$3,500 fine for three violations of the City of New York’s conflicts of interest law.

First, the Principal admitted that, in 2007, she met with the Director of a firm which had business dealings with her school to discuss expanding that firm’s involvement at her school. The Principal recommended her sister for a position coordinating that firm’s new program at the Principal’s school. The Principal’s sister was hired by the firm. The Principal acknowledged that, by recommending her sister for a position with a vendor to her school, she violated the City’s conflicts of interest law provision prohibiting public servants from using their City positions to benefit themselves or a person or firm with which the public servant is “associated.” The Principal was “associated” with her sister within the meaning of the City’s conflicts of interest law.

The Principal also admitted that, in December 2008, she paid a subordinate DOE employee \$60 to prepare food on the subordinate’s own time for a school Christmas party that the Principal hosted in her home. The Principal acknowledged that, by having her City subordinate prepare food for a party that she was hosting, she used her City position to obtain a private benefit, and by paying her subordinate, she entered into a financial relationship with her, both in violation of the City’s conflicts of interest law.

A copy of the disposition is attached [here](#). All of the Board’s dispositions are available free of charge, in full-text searchable form, on the website for the Center for New York City Law at New York Law School (www.CityAdmin.org).

The Board took the occasion of this settlement to remind City employees that the conflicts of interest law strictly prohibits them from using their positions as public servants to benefit themselves or any person or firm with whom or with which they are associated, which would include a spouse, domestic partner, parent, sibling, child, or person or firm with whom or with which the public servant has a financial relationship.

Carolyn Lisa Miller, Director of Enforcement, handled this case for the Board. The Board gratefully acknowledges the work of its confidential investigative arm, the New York City Department of Investigation (“DOI”), DOI Commissioner Rose Gill Hearn, Special Commissioner of Investigation for the New York City School District (“SCI”) Richard J. Condon, and SCI Investigator Michael Bisogna, who handled the investigation.

The Conflicts of Interest Board is the City’s ethics board and is charged with interpreting and enforcing the City’s the conflicts of interest, financial disclosure, and lobbyist gift laws. For more information about the Board, visit: <http://nyc.gov/ethics>. Anyone with questions about the law is urged to contact the Board through its website or by calling (212) 442-1400.

The Board does not comment on its dispositions, except as set forth above. For additional public information about the Board’s enforcement activities—including summaries of all prior enforcement dispositions and fines imposed—visit the Board’s website: www.nyc.gov/html/conflicts/html/units/enforcement.shtml.

THE CITY OF NEW YORK
CONFLICTS OF INTEREST BOARD

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<i>In the Matter of</i>	:	
	:	<u>DISPOSITION</u>
	:	
LYNN PASSARELLA	:	COIB Case No. 2011-531
	:	
	:	
Respondent.	:	
	:	
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WHEREAS, the New York City Conflicts of Interest Board (the “Board”) commenced an enforcement action pursuant to Section 2603(h)(1) of Chapter 68 of the New York City Charter (“Chapter 68”) against Lynn Passarella (“Respondent”); and

WHEREAS, the Board and Respondent wish to resolve this matter on the following terms,

IT IS HEREBY AGREED by and between the parties as follows:

1. In full satisfaction of the above-captioned matter, Respondent admits to the following:

- a. From September 5, 1995, I have been employed by the New York City Department of Education (“DOE”), most recently as the Principal of the Theater Arts Production Company School, P.S. 225X. As such, during that time I have been a “public servant” within the meaning of Chapter 68.
- b. Since 2001, I have hosted the P.S. 225X Christmas party at my own expense.
- c. In December 2008, I had my subordinate, a P.S. 225X Family Worker, prepare food on her own time for the P.S. 225X Christmas party to be held at my home. On December 12, 2008, the P.S. 225X Family Worker brought the food she prepared to my home and heated it up there, for which I paid her approximately \$60.
- d. I acknowledge that, by having my City subordinate prepare the food for a party that I was hosting, I used my City position to obtain a private advantage in violation of Chapter 68, specifically City Charter § 2604(b)(3). City Charter § 2604(b)(3) states:

No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license,

privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

- e. I acknowledge that, by paying my City subordinate to prepare the food for a party that I was hosting, I entered into a financial relationship her, in violation of Chapter 68, specifically City Charter § 2604(b)(14). City Charter § 2604(b)(14) states:

No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.

- f. In 2007, I met with Director of Community Schools at the Children's Aid Society ("Community Schools"), which firm had business dealings with P.S. 225X, to discuss expanding Community Schools' involvement at P.S. 225X. At the meeting, I recommended my sister for a position with Community Schools, coordinating P.S. 225X's new college preparatory program.
- g. Subsequently, on August 28, 2007, the Director of Community Schools hired my sister as the Coordinator of the P.S. 225X Transition to Adulthood Office of Community Schools.
- h. I acknowledge that, by recommending my sister for a position with a vendor to my school, I used my City position to obtain a private advantage for a person "associated" with me in violation of Chapter 68, specifically City Charter § 2604(b)(3), as cited in paragraph 1(d). City Charter § 2601(5) defines "associated" to include "a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest."

2. In recognition of the foregoing, Respondent agrees to the following:

- a. I agree to pay a fine of Three Thousand Five Hundred Dollars (\$3,500) to the Board, by money order or by cashier, bank, or certified check, made payable to the "New York City Conflicts of Interest Board," at the time of my signing of this Disposition.
- b. I knowingly waive on my behalf and on behalf of my successors and assigns any rights to commence any judicial or administrative proceeding or appeal before any court of competent jurisdiction, administrative tribunal, political subdivision, or office of the City or the State of New York or the United States, and to contest the lawfulness, authority, jurisdiction, or power of the Board in imposing the penalty which is embodied in this Disposition, and I waive any right to make any legal or equitable claims or to initiate legal proceedings of any kind against the


Board, or any members or employees thereof relating to or arising out of this Disposition or the matters recited therein.

- d. I confirm that I have entered into this Disposition freely, knowingly, and intentionally, without coercion or duress, and after having had the opportunity to be represented by an attorney of my choice; that I accept all terms and conditions contained herein without reliance on any other promises or offers previously made or tendered by any past or present representative of the Board; and that I fully understand all the terms of this Disposition.
- e. I agree that any material misstatement of the facts of this matter, including of the Disposition, by me or by my attorney or agent shall, at the discretion of the Board, be deemed a waiver of confidentiality of this matter.

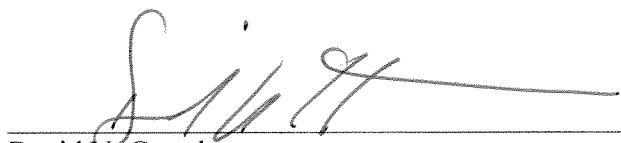
3. The Board accepts this Disposition and the terms contained herein as a final disposition of the above-captioned matter only, and affirmatively states that other than as recited herein, no further action will be taken by the Board against Respondent based upon the facts and circumstances set forth herein, except that the Board shall be entitled to take any and all actions necessary to enforce the terms of this Disposition.

4. This Disposition shall not be effective until all parties have affixed their signatures below.

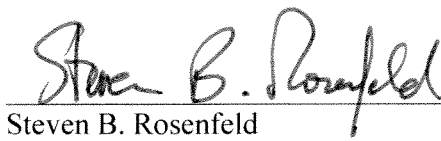
Dated: 7/13, 2012


Lynn Passarella
Respondent

Dated: July 13, 2012


David N. Grandwetter
Council of School Supervisors & Administrators
Counsel for Respondent

Dated: AUGUST 22, 2012


Steven B. Rosenfeld
Chair
NYC Conflicts of Interest Board